

TITLE 25

ORDINANCE OF THE HOOPA VALLEY TRIBE

HOOPA INDIAN RESERVATION

HOOPA, CALIFORNIA

ORDINANCE NO: 66-4 AMENDMENT NO: 3

DATE APPROVED: August 6, 1984

SUBJECT: AN ORDINANCE TO ESTABLISH A SYSTEM OF GRANTS TO BE APPLIED TO THE EXPENSES OF BURIAL AND ILLNESS OF ENROLLED MEMBERS OF THE HOOPA VALLEY TRIBE.

WHEREAS: The Hoopa Valley Tribe did on June 20, 1972, adopt a Constitution and Bylaws which was approved by the Commissioner of Indian Affairs on August 18, 1972, and Article IX, Section 1 (c) of this Constitution and Bylaws authorized the Hoopa Valley Business Council to “collect and expend any Hoopa Tribal Funds within the exclusive control of the Tribe and to recommend the expenditure of any other tribal funds”, and,

WHEREAS: The Hoopa Valley Business Council did establish and obtain approval of the amended Financial Program of the Hoopa Valley Tribe as set forth in Resolution No. 274, adopted August 31, 1967, which provided in Part III, that tribal funds may be budgeted annually for grants to be applied to the expenses of burial and last illness of deceased tribal members, and,

WHEREAS: Tribal Ordinance No. 66-4, approved 11/3/67, established a system of grants to be applied to the expenses of burial and last illness of deceased members of the Hoopa Valley Tribe, and,

WHEREAS: Due to increased burial costs and other changes since this 1967 enactment it is necessary to amend said ordinance to fit present needs.

NOW THEREFORE BE IT RESOLVED: That Tribal Ordinance No. 66-4 is hereby amended to read as follows:

SECTION I. EFFECTIVE DATE.

The purpose of this amendment shall be effective as of August 6, 1984 and shall apply to all enrolled members of the Hoopa Valley Tribe.

SECTION II. AMOUNT OF GRANT.

A grant of \$2000.00 or less may be paid for the expenses of burial and last illness of an enrolled Hoopa Tribal Member, the exact amount to be determined in accordance with the procedures hereinafter set forth.

SECTION III. CLAIMANTS.

Claims for payment pursuant to this Ordinance will be considered when received from the following:

1. Professional persons or firms who furnished direct burial or last illness services for an enrolled member of the Hoopa Valley Tribe, and who have not been paid for such services.
2. Persons who have paid out of their own funds for the burial and last illness expenses of an enrolled member of the Hoopa Valley Tribe, and who desire to be reimbursed therefore.

SECTION IV. PURPOSES OF GRANT AND PRIORITIES IN PAYMENT OF CLAIMS.

A. Claims shall be paid only for the following purposes, and in the following order of priorities:

1. Claims for expense of burial. Funds from the grant not used to defray this expense shall be available for discharge of obligations set forth in Paragraph 2 of this section only.
2. Claims for expense of last illness, including, but not limited to, hospital expenses, doctor's fees, and professional nurse's fees, except that nursing care performed by a relative or friend of the deceased shall not be reimbursed, unless it was performed in a professional capacity.
3. No payment under Section 4.A.2. shall be made until the expiration of the six month time limit provided in Section 5.
4. In the event there are insufficient funds to satisfy claims described in Section 4.A.2. the available funds shall be divided proportionately among the claims according to the ratio of the total amount of claims to each individual claim.

B. If the expenses described in Section 4.A.1. and 2. Are not claimed within the six month time limit provided in Section 5, or if such expenses do not, in fact exist, no person or estate shall be entitled to receive any monies pursuant to this Ordinance.

SECTION V. TIME LIMIT FOR SUBMISSION OF CLAIMS.

All claims with regard to any deceased tribal member shall be filed within six months of the date of adoption of this Ordinance, or within six months of the date of death of a tribal member, whichever comes later. Claims filed after the expiration of the six month period shall not be eligible for consideration pursuant to this Ordinance.

SECTION VI. FILING OF CLAIMS.

- A. Claims shall be filed in person or by mail at the business office of Hoopa Valley Business Council, P.O. Box 1348, Hoopa, California 95546.
- B. Claims of professional persons or firms who furnished direct burial or last illness services for an enrolled member of the Hoopa Valley Tribe shall be in the form of itemized bills describing the services or things furnished, the date when such service or things were furnished, and the individual cost of each service or thing. Each such claim must be supported by an affidavit of the claimant that the amount claimed is justly due from the decedent, and that no payments have been made on the account that are not credited thereon.
- C.
- D. Claims of persons who paid out of their own funds for the burial and last illness expenses of an enrolled member of the Hoopa Valley Tribe shall be in letter form, signed by the claimants, and supported by the original receipts which were issued to them by the professional persons or firms who furnished the burial or last illness services for the tribal member. Where more than one person has a claim pertaining to the same tribal member, a single separate claim shall be filed for burial expenses, and a single separate claim shall be file for last illness expenses, and the letters pertaining thereto shall state the amount which was paid by each person and shall be signed by each of the claimants.
- E. The Hoopa Valley Business Council shall, whenever it is deemed necessary, require evidence of the death of the enrolled tribal member in the form of a death certificate or affidavit of death.

SECTION VII. ADMINISTRATION OF CLAIMS.

- A. A claims investigation shall be conducted by the Tribal Chairman and Tribal Treasurer of the Hoopa Valley Business Council, to determine the following:
 - 1. Determination whether a claim is eligible for consideration pursuant to Section III and Section V.

2. If a claim for last illness expense is determined eligible for consideration, the Treasurer shall record thereon the expiration date of the six month time limitation period.
 3. Determine whether a claim is eligible for payment pursuant to Section IV.
 4. Whether a claim is determined eligible or ineligible for payment, the Treasurer shall present the claim to the Hoopa Valley Business Council at its next regular meeting with a recommendation in favor of paying the claim, or of disapproving the claim, except that claims for last illness expense, if otherwise eligible for payment, shall be held until the expiration of the six month time limit when it can be determined what amount of funds, if any, is available for the payment.
 5. Advise the claimant in writing in all cases when the Hoopa Valley Business Council disapproves a claim. Such letters shall be signed by the Chairman of the Council.
- B. Final decision on claims shall be by the Hoopa Valley Business Council. The Council may abide by the recommendations unless it is determined that an error was made, and that the recommendation was contrary to the intent of this Ordinance.
- C. Disbursement of funds for burial and last illness expenses of enrolled Hoopa Tribal members shall be made in accordance with approved, current tribal plan of operation.

SECTION VIII. AMENDMENT OF ORDINANCE.

Amendments to this Ordinance may be made by the Hoopa Valley Business Council.

C E R T I F I C A T I O N

I, the undersigned, as Chairman of the Hoopa Valley Business Council do hereby certify that the Hoopa Valley Business Council is composed of eight members of which 7 were present constituting a quorum at a Special meeting thereof; duly and specially called, noticed, convened, and held this 6th day of August, 1984, and that this resolution was adopted by a vote of 6 for with 0 against, and said resolution has not been rescinded or amended in any way.

DATED THIS 6TH DAY OF AUGUST, 1984

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ELSIE G. RICKLEFS, CHAIRMAN
HOOPA VALLEY BUSINESS COUNCIL

ATTEST: _____
DEIRDRE R. YOUNG, EXECUTIVE SECRETARY
HOOPA VALLEY BUSINESS COUNCIL